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Special report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea

I. Introduction

1. On 21 January 2008, I addressed a letter to the President of the Security Council by which I brought to the attention of members of the Council the crisis facing the United Nations Mission in Ethiopia and Eritrea (UNMEE) as a result of Eritrea's stoppage of all fuel supplies to the Mission since 1 December 2007. In my report of 23 January 2008 (S/2008/40 and Corr.1), I informed the Council that UNMEE was beginning to experience serious difficulties in sustaining its troops and military observers and in maintaining reliable communications with deployment sites in the Temporary Security Zone.

2. UNMEE had formally conveyed its serious concerns about the non-delivery of fuel in a letter dated 12 December 2007 addressed to the Eritrean Commissioner who oversees liaison with the Mission. Follow-up letters were also sent to the Commissioner by UNMEE on 24 and 26 December 2007. In addition, my Deputy Special Representative met with the Commissioner on 18 and 22 December 2007, and again on 28 and 29 January 2008 to impress upon him the gravity of the crisis and its impact on the operations of the Mission, as well as the safety and security of its personnel. Furthermore, UNMEE sought, on several occasions, Eritrea's authorization to import the fuel directly or from the United Nations Mission in the Sudan.

3. The Eritrean authorities informed UNMEE that the non-delivery of fuel to the Mission was "a technical matter" that would be resolved shortly. However, despite multiple representations by the Mission and United Nations Headquarters, they did not subsequently take any action to address the situation or allow the Mission to import the fuel. I therefore addressed a letter to President Isaias Afwerki of Eritrea on 21 January 2008, requesting him, as a last resort, to intervene personally to resolve the crisis. In that letter, I pointed out that the fuel crisis was forcing UNMEE to halt its operations by making it difficult to maintain reliable communications and sustain troops and military observers in the Temporary Security Zone. Furthermore, I took the opportunity to renew my offer to assist Eritrea and Ethiopia to implement their obligations under the Algiers Agreements.

4. By the end of January, the situation remained unresolved, forcing UNMEE to drastically reduce its daily patrols in the Temporary Security Zone, from 60 on average before the fuel stoppage, to a mere 20. At that time, the Mission estimated

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that, if it maintained that minimum level of operations without replenishing its dwindling stocks, the available fuel would be completely exhausted by the end of March 2008.

5. As the crisis remained unresolved when I met with Prime Minister Meles Zenawi of Ethiopia in Addis Ababa on 31 January, on the margins of the African Union Summit, I conveyed my deep concern about the situation facing UNMEE and informed him that if the fuel supplies were not resumed immediately, the Mission would be forced to halt its operations and relocate from Eritrea. I sought the Prime Minister's agreement to temporarily relocate UNMEE Eritrea-based personnel and equipment to Ethiopia, pending a resolution of the difficulties created by the fuel crisis and a decision of the Security Council on the future direction of the Mission. The Prime Minister agreed, in principle, to my request and indicated to me that the longer-term presence of relocated personnel from UNMEE would require further discussion.

6. As the situation had become untenable for UNMEE, and especially for the peacekeepers deployed in remote areas of the Temporary Security Zone, I sent a further letter to the President of the Security Council on 1 February 2008 (S/2008/66). In that letter, I informed the President of the Council that if the Eritrean authorities did not resume the fuel supplies by 6 February 2008, I would be compelled to instruct UNMEE to begin relocating the Mission's personnel and equipment from Eritrea in order to avoid total immobilization of the Mission, which would endanger the safety and security of United Nations personnel. I also informed the Council that the Department of Peacekeeping Operations would immediately send a technical assessment mission to Eritrea and Ethiopia to discuss ways of addressing the crisis, assist UNMEE to finalize an emergency relocation plan and seek its views, as well as those of the Eritrean and Ethiopian authorities, on the future direction of the Mission.

II. Emergency relocation of UNMEE

7. The technical assessment mission, which comprised participants from relevant offices of the Departments of Peacekeeping Operations, Field Support and Safety and Security, travelled to Addis Ababa from 6 to 11 February. The technical assessment mission was not able to travel to Eritrea because the Eritrean authorities, without providing any reason, cancelled the visas which had been issued to the participants a day earlier. However, the Secretariat addressed a note verbale to the Permanent Mission of Eritrea to the United Nations on 8 February, informing the Government of Eritrea of the decision to relocate the Mission's personnel and requesting the Government to extend the necessary cooperation to UNMEE.

8. The technical assessment mission assisted UNMEE in finalizing its emergency relocation plan and held productive discussions on the plan, as well as on the future direction of UNMEE, with senior officials from the Ethiopian Ministry of Foreign Affairs, the Chief of General Staff of the Ethiopian Armed Forces and commanders of the military regions adjacent to the border area, and the Minister of State for Foreign Affairs. On 9 February, the team visited some of the sites proposed for the relocation of the Mission, to assess their suitability to receive the relocating personnel and equipment. The team also attended a briefing organized by UNMEE for ambassadors from members of the Security Council and troop-contributing

countries accredited to Ethiopia, and participated in a videoconference with UNMEE senior management based in Asmara and the United Nations Development Programme Resident Representative and Resident Coordinator for Eritrea, to discuss the relocation arrangements.

9. The emergency relocation plan of UNMEE was discussed and agreed to between UNMEE, the technical assessment mission and Ethiopia's Ministry of Defence on 10 February. The plan provided for the cross-border movement of a total of 1,375 military personnel and their equipment from the Temporary Security Zone, to regroup at five sites in Ethiopia (Adigrat, Axum, Axum/Adwa area, Mekele and Manda). The personnel consisted of units from Sector Centre (the Indian Battalion, the Indian Construction Company and the Kenyan Guard Company); a company of the Indian Battalion deployed in Subsector East; units from Sector West (the Jordanian Battalion, the Kenyan Demining Unit and some members of the Indian Engineering Construction Company); as well as units from Asmara (the Jordanian Level II Hospital, UNMEE Forward Force Headquarters, the Jordanian Military Police Platoon and the Kenyan Guard Company). The relocation sites were selected on the basis of the availability of facilities and water, and proximity to the areas being vacated by those units.

10. The Mission's 115 military observers relocating from the Temporary Security Zone were to be distributed to three of the above relocation sites and later sent on leave, pending a resolution of the crisis. Some of the 150 UNMEE international civilian staff serving in Eritrea were to be assigned to UNMEE headquarters in Addis Ababa and the sites identified above, on a needs basis, while some 60 personnel, including the Deputy Special Representative and the Chief of Mission Support, would remain in Asmara as long as possible for essential liaison purposes and to finalize the inventory of equipment that would be left behind. Non-essential staff could be considered for temporary reassignment to other Missions, such as the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in the Central African Republic (MINURCAT). A total of 15 UNMEE international staff from the Mine Action Coordination Centre, as well as some 50 international contractor personnel, were to relocate to Addis Ababa and Adigrat.

11. The Ethiopian authorities agreed to host the relocated personnel and equipment on the understanding that the personnel would stay in Ethiopia for a limited time, pending a decision of the Security Council on the future direction of UNMEE; the relocated military personnel would remain on administrative, rather than operational status, and would be separate from the troops and military observers already deployed on the Ethiopian side; and the existing status-of-forces agreement between the United Nations and Ethiopia would cover all relocated UNMEE equipment and personnel.

12. The Ethiopian authorities also requested that the Security Council formally confirm that the Temporary Security Zone and adjacent areas would remain the UNMEE area of operations. They welcomed the statement issued by my spokesperson on 5 February 2008 clarifying that the forced temporary relocation of the Mission was without prejudice to the provisions of the Agreement on Cessation of Hostilities of 18 June 2000, including the integrity of the Temporary Security Zone.

13. However, the planned ground relocation to Ethiopia had to be abandoned owing to the lack of cooperation of the Eritrean authorities. The movement of small advance parties started on 11 February. An advance unit of the Indian Battalion carrying equipment in five vehicles was allowed to cross the border on 11 February. However, on 12 February, vehicles of the Mine Action Coordination Centre were stopped by soldiers of the Eritrean Defence Forces in Sector Centre, and two vehicles of the Indian Battalion were also prevented from crossing the border in Subsector East. The Mine Action Coordination Centre vehicles were allowed to cross the border on 13 February. In one case, on 14 February, UNMEE personnel from the Kenyan Demining Company were threatened and their equipment seized. The equipment was returned on 15 February. In all, since the beginning of the movement of UNMEE advance units on 11 February, no more than six vehicles were allowed by the Eritrean authorities to cross into Ethiopia.

14. On 15 February, the commercial company that distributes food rations to UNMEE informed the Mission that it would not be able to distribute the following week's rations as its subcontracted Eritrean company had stated that it had no vehicles "to do business for UNMEE". The Department of Field Support immediately raised the issue with the Permanent Representative of Eritrea to the United Nations and informed him that some of the relocating contingents had only two days of emergency rations left. Later that day, the contractor delivered one month of rations to UNMEE in Asmara and, on the following day, UNMEE delivered the rations to the contingents.

15. Efforts by UNMEE to engage the Eritrean authorities to request them to facilitate the relocation to Ethiopia were unsuccessful. On 12 February, the Commissioner who oversees liaison with UNMEE met with my Deputy Special Representative to discuss the relocation plan. However, the Commissioner stated that he had no instructions to discuss the relocation arrangements because the exercise was based on a "unilateral decision" by the United Nations. The Secretariat met with the Permanent Representative of Eritrea to the United Nations on 13 and 15 February to convey the request to his Government to extend its full cooperation to UNMEE during the relocation. However, on 15 February the Ministry of Foreign Affairs of Eritrea issued a press statement which, among other things, asserted that "the Government of Eritrea cannot discuss or acquiesce to the temporary relocation or some other new arrangement that is at variance with provisions of the Algiers Peace Agreement".

16. On 14 and 15 February, the Secretariat briefed countries contributing troops to UNMEE on the unfolding developments. All troop-contributing countries considered the situation facing UNMEE and the measures imposed by the Eritrean authorities as unwarranted, untenable and unacceptable. They also demanded that the Government of Eritrea provide the fuel required for the relocation of the Mission and allow UNMEE peacekeepers to leave Eritrea with their equipment and in a dignified and orderly manner.

III. Regrouping of UNMEE in Asmara and Assab

17. Given the obstruction encountered by UNMEE in conducting its temporary relocation across the border, the Mission was compelled to activate an alternative contingency plan, under which personnel and equipment from the Temporary

Security Zone have regrouped in Asmara and Assab. The movement of personnel and equipment to Asmara under this plan started on 17 February. A number of serious incidents during which Eritrean Defence Forces soldiers prevented the movement of UNMEE personnel and equipment have since occurred. On 17 February, in Sector West, Eritrean Defence Forces soldiers blocked the movement of two UNMEE trucks from transporting four armoured personnel carriers of the Jordanian contingent at Om Hajer. On the same day, in Subsector East, two vehicles from the Indian Battalion carrying five soldiers, as well as weapons and ammunition, from Point 74 to Assab were stopped at an Eritrean Defence Forces checkpoint and turned back.

18. Eritrean Defence Forces soldiers also seized fuel drums from a team of deminers from the UNMEE Mine Action Coordination Centre who were conducting assessments to clear the routes to be used for relocation from Sector West. The fuel was returned later that day. On 19 February, three Indian Battalion vehicles carrying eight soldiers, weapons, ammunition and administrative stores were blocked by Eritrean Defence Forces soldiers in Subsector East. Also, on that day, a convoy from the UNMEE Mine Action Coordination Centre carrying 18 mine-detecting dogs was held up at a checkpoint at Forto, in Sector Centre, but was eventually allowed to cross the border into Ethiopia. The Eritrean Defence Forces soldiers involved in blocking those movements informed UNMEE personnel that they had instructions from their headquarters not to allow loaded UNMEE vehicles to leave the Temporary Security Zone.

19. In a letter dated 20 February 2008 addressed to the President of the Security Council (S/2008/114), the Permanent Representative of Eritrea stated that, until 19 February, UNMEE had not informed the Eritrean authorities of its decision to regroup its personnel in Asmara. However, on 12 February my Deputy Special Representative did meet with the Acting Eritrean Commissioner in charge of liaison with UNMEE to discuss the relocation arrangements, but, as indicated earlier, the Commissioner maintained that he had no instructions to discuss the Mission's relocation. UNMEE also sent notes verbales to the Eritrean authorities on 15 and 18 February informing them of the status of the temporary relocation of personnel and equipment.

20. On 19 February, the Commissioner agreed to meet the Deputy Special Representative and informed him that the Government would allow the movement of the blocked personnel and equipment to Asmara. On 20 February, as Eritrean Defence Forces soldiers continued to prevent the relocation despite the positive message received from the Commissioner, UNMEE addressed a further note verbale to the Commissioner informing him of the difficulties the Mission was facing. On the same day, the previously blocked convoys were allowed to move to Asmara.

21. However, UNMEE has continued to encounter problems, including two incidents on 23 February, in Sector Centre, where Eritrean Defence Forces soldiers prevented a unit of the Indian Battalion from transporting fuel, and another incident on the same day, also in Sector Centre, when Eritrean Defence Forces soldiers prevented the transportation of equipment from the Indian Battalion post at Italian Fort. On 25 February, Eritrean Defence Forces soldiers also prevented six UNMEE trucks from moving to Camp Dunn to transport equipment for the Indian Battalion, and another incident occurred in the same area where two vehicles from the Indian Battalion were also prevented from travelling to Camp Dunn.

22. All military units were given orders to carry as much of their equipment as the available fuel would allow. In that regard, the Secretariat has instructed the Mission to give priority to the movement of personnel; personal weapons; ammunition and weapons systems; sensitive equipment, such as communications gear and computers; contingent-owned equipment that is essential for the sustainment of the units; and high-value United Nations-owned equipment, in that order.

23. The Mission was further instructed to fully inventory all equipment and materiel not able to be relocated and to present those inventories to the Eritrean authorities with a communication conveying the expectation of the United Nations that the Government of Eritrea would safeguard that materiel until it could be safely removed. On 22 February, UNMEE sent a note verbale to the Eritrean authorities informing them about the United Nations equipment that would be left at the vacated sites and requesting their cooperation in the safekeeping of the equipment, given the temporary nature of the relocation. A meeting was also held with the Eritrean Commissioner on 22 February to discuss the matter. However, the Commissioner stated that since UNMEE had "unilaterally" decided to relocate from the Temporary Security Zone, Eritrea should not be held responsible for any items left behind during the relocation.

24. As of 26 February, the number of personnel relocated from the Temporary Security Zone to Asmara from Sector West and Sector Centre was as follows: Jordanian Battalion: 353 out of 491 (the total strength of the Jordanian contingent is 498, with 7 deployed on the Ethiopian side); Indian Battalion: 196 out of 353 (the total strength of the Indian Battalion is 600, with 150 in Adigrat, on the Ethiopian side); Kenyan Demining Company: 36 out of 40; Indian Construction Company: 4 out of 15; and 92 out of 109 military observers. In Subsector East, the number of personnel regrouped at Assab from various isolated sites is as follows: a total of 101 troops from the Indian Battalion and the Indian Construction Company, as well as 11 military observers from various countries. The personnel regrouped at Assab will not relocate to Asmara as Assab has a seaport and airport that would be used to repatriate the personnel and equipment.

25. The Secretariat addressed a note verbale to the Permanent Mission of Eritrea on 22 February, requesting the Government of Eritrea to reconsider its position, resume fuel supplies to UNMEE, lift all restrictions against the Mission, and allow UNMEE to carry on with its mandate. To date the Eritrean authorities have not responded to that request.

26. Meanwhile, the military personnel deployed on the Ethiopian side have not been affected by the fuel crisis and continue to perform their mandated tasks. These personnel consist of a unit from the Jordanian Battalion deployed at Humera, the Indian Battalion Sector Headquarters at Adigrat, an aviation unit from Uruguay, a Kenyan Guard Company deployed at the UNMEE headquarters in Addis Ababa, as well as military observers deployed at seven team sites.

IV. Observations

27. The original plan to relocate the Eritrea-based UNMEE personnel and equipment to Ethiopia had envisaged that the relocated personnel would remain in Ethiopia for a limited duration pending the resolution of the fuel crisis, failing which the Security Council would decide on the future of the Mission. The

regrouping in Asmara and Assab under an alternative contingency plan, however, poses some unforeseen challenges. There are no adequate facilities in Asmara and Assab for an extended stay of the troops. Indeed, the relocated military personnel and their equipment are being accommodated in substandard, congested, ad hoc facilities at three adjacent locations in Asmara (the former staff officers' camp, former transit camp and current Kenyan Camp).

28. A further relocation from Asmara and Assab to the originally designated sites in Ethiopia would be a lengthy and complex exercise. While the Mission's personnel can fly out of Asmara and Assab to Ethiopia in a relatively short period of time, it would take up to three months to relocate the equipment from Asmara by road to Massawa Port, ship it to Djibouti and then transport it by road again to the five designated relocation sites in Ethiopia.

29. In the light of these circumstances, I have given UNMEE instructions to begin the process of relocating the military personnel that have regrouped in Asmara and Assab to their home countries, pending a final decision by the Security Council on the future of UNMEE. The necessary personnel from the Indian, Jordanian and Kenyan Contingents would remain in Asmara as a rear party to secure the contingent-owned equipment and facilitate its transportation by road and sea as and when a decision has been taken. With regard to the relocated military observers, those who are soon to complete their tour of duty will be repatriated immediately while the remainder will be reassigned to Ethiopia to replace their colleagues who are due for rotation.

30. In addition, as envisaged in the original plan, some 60 international civilian personnel, including the Deputy Special Representative and the Chief of Mission Support, would also remain in Asmara for essential liaison purposes and to inventory the equipment that will be left behind. The military and civilian personnel deployed on the Ethiopian side would remain in their positions until the Security Council has decided on the future of UNMEE.

31. The restrictions imposed by the Eritrean authorities on UNMEE are unacceptable and in breach of the fundamental principles of peacekeeping. They also bear serious implications for the safety and security of peacekeepers deployed elsewhere. As a party to the Agreement on Cessation of Hostilities, under which the two countries invited the United Nations to deploy peacekeepers on their territory, Eritrea has an obligation to treat the peacekeepers with respect and dignity, and to guarantee their safety and security, as well as their right to move freely and perform their mandated tasks without any restrictions.

32. In view of the untenable situation Eritrea has placed UNMEE in, it is vital to relocate the Mission's personnel there to sustainable locations. The present report serves to inform the Security Council of these steps. Once the relocation outlined in this report is complete, I intend to submit to the Council a further report providing options and recommendations for any future United Nations peacekeeping presence in the area.

33. It bears recalling that the crisis takes place in a context in which there remain a number of fundamental political and legal issues at the centre of the dispute between Ethiopia and Eritrea, including the implementation of the decisions of the Eritrea-Ethiopia Boundary Commission. If left unresolved, these issues will remain a source of tension in the border area and will continue to pose an inherent danger of

potential escalation. As indicated in my report of 23 January, I have made it clear to the two parties that my offer of good offices remains available. It is, however, imperative for the Security Council to consider ways to address these underlying issues which are at the root of the tensions between Eritrea and Ethiopia and have impeded UNMEE operations.

34. In the meantime, there is still an opportunity for Eritrea to reconsider its position, resume fuel supplies to UNMEE, lift all restrictions on the Mission, and allow it to continue to perform the tasks originally envisaged in the Agreement on Cessation of Hostilities.

35. However, should Eritrea not do so, it has an obligation to facilitate the smooth and orderly relocation of the peacekeepers with their equipment from Asmara. This temporary relocation is without prejudice to any of the provisions of the Agreement on Cessation of Hostilities of 18 June 2000, including the sanctity of the Temporary Security Zone. Furthermore, I strongly urge Eritrea and Ethiopia to avoid any action which could exacerbate the situation in the border areas and undermine that Agreement.

36. I am also concerned that the temporary relocation of UNMEE from Eritrea implies that the existing UNMEE support to the United Nations country team in the areas of communications and security would no longer be available. The Secretariat has begun discussing with the United Nations agencies ways to address their specific needs.

37. I take this opportunity to thank all Governments concerned for their cooperation in the matter of relocating UNMEE personnel on a temporary basis while a solution to the crisis facing the Mission is being sought. I also thank the countries contributing troops to UNMEE for their valuable and sustained support to the Mission. Finally, I am most grateful to the men and women serving with UNMEE who have made an invaluable contribution to the efforts to stabilize the region, often under difficult and at times hazardous circumstances.